

REMARKS

Claims 1-5 are pending in the current application. Claims 1, 3 and 5 are independent claims. Claims 1-4 are amended.

Applicants would like to thank Examiner Ware for her time and helpful comments and suggestions during the telephonic interview of January 25, 2007. Based on the discussion during the telephonic interview, Applicants have amended the specification and claims. In view of the amendments and remarks made below, Applicants request allowance of the claims.

35 U.S.C. § 112, First Paragraph

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this enablement rejection.

During the telephonic interview, it was agreed by the Examiner that the subject matter of the original claims may be amended into the specification under MPEP 2163.06(III). Accordingly, Applicants have amended the disclosure on page 5 to more clearly disclose the subject matter of claim 5.

Based on the amendments to the specification, Applicants request withdrawal of this rejection.

35 U.S.C. §§ 102/103

Claims 1 and 3 stand rejected under 35 USC 102(b) as being anticipated by Fukuhara (USP 4,627,103); claims 2 and 4 stand rejected under 35 USC 103(a) as being unpatentable over Fukuhara in view of Stansell, Jr. et al. (USP 6,160,841); and claim 5 stands rejected under 35 USC 103(a) as being unpatentable over McCallister et al. in view of Applicants' admitted art.

Without acquiescing to the Examiner's allegations, it was understood between the Examiner and the Applicants' representative during the telephonic interview that none of the cited references taught "generating an SINR estimate based on the quasi-pilot symbol samples," as similarly recited in independent claims 1, 3 and 5.

For at least the reasons given above, Applicants submit that claims 1-5 are in a condition for allowance.

CONCLUSION

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

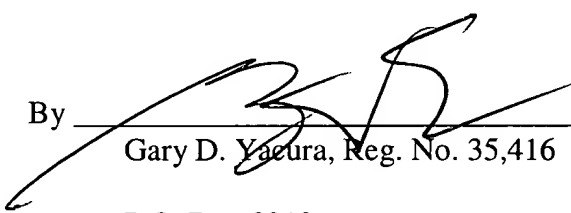
Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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